



MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

Official Minutes

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**MINUTES OF REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN
JEROME, MISSOURI, ON TUESDAY, SEPTEMBER 12, 2006, AND
FORT LEONARD WOOD, MISSOURI, ON WEDNESDAY, SEPTEMBER 13, 2006**

September 12, 2006

On Tuesday, September 12, 2006, the Missouri Highways and Transportation Commission held a special meeting at the C bar K Meeting Facility, 16990 County Road No. 8510, Jerome, Missouri, for the purpose of viewing a newly created computer planning tool that can be used to project changes in road and bridge condition with various levels of funding and allocation. MoDOT staff also presented projected revenue and expenditures in future years. Commissioners attending the informational session were Bill McKenna, James B. Anderson, Duane S. Michie, Mike Kehoe, and David A. Gach.

September 13, 2006

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, September 13, 2006, at Thurman Hall, Building 3203 – Room 1522, Fort Leonard Wood, Missouri. The meeting was called to order at 10:15 a.m. by Bill McKenna, Chairman. The following Commissioners were present: James B. Anderson, Duane S. Michie, Mike Kehoe, and David A. Gach. Having given prior notice, Vice Chairman Marjorie B. Schramm was absent.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Pete Rahn, Director of the Missouri Department of Transportation, Rich Tiemeyer, Chief Counsel for the Commission, and Mari Ann Winters, Secretary to the Commission, were present on Tuesday, September 12, 2006, and Wednesday, September 13, 2006.

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*"Department" or "MoDOT" herein refers to Missouri Department of Transportation.
"Commission" or "MHTC" herein refers to Missouri Highways and Transportation Commission.*

- - - COMMISSION/DIRECTOR ITEMS - - -

VOTE TO CLOSE MEETING

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo., including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.
2. Section 610.021(1) – Legal actions and attorney-client privileged communications.
3. Section 610.021(3), (13) – Personnel administration regarding particular employees.

Immediately prior to closing its meeting at 9:00 a.m., and upon motion duly made and seconded to convene in closed session, the Chairman asked for a voice vote of the members.

The vote was as follows:

Commissioner McKenna, Aye
Commissioner Michie, Aye
Commissioner Anderson, Aye
Commissioner Kehoe, Aye
Commissioner Gach, Aye

whereupon the Commission closed its meeting. At approximately 10:15 a.m. the Commission adjourned its closed meeting and convened its open meeting.

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APPROVAL OF MINUTES

Upon motion by Commissioner Michie, seconded by Commissioner Gach, the Commission unanimously approved the minutes of the regularly scheduled meeting held on August 9, 2006. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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CONSENT AGENDA

Consent Agenda Process

In order to make the most efficient use of Commission meeting time and to ensure the Commission members are well informed on issues requiring their action, the staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items on the Commission meeting agenda. Those items considered by the staff to be of a routine or noncontroversial nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to "consent agenda" is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

Consideration of September 13, 2006, Consent Agenda

Upon motion by Commissioner Anderson, seconded by Commissioner Michie, all items on the consent agenda were unanimously approved.

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REPORTS OF COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has two committees: Audit and Legislative. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of Directors and MoDOT and Patrol Employees' Retirement System Board of Trustees.

No committee reports were made during the September 13, 2006, meeting.

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DIRECTOR'S REPORT

Director Pete Rahn, provided the following report:

Safe and Sound 800 Bridge Improvement Program – On September 7, 2006, MoDOT unveiled the Safe and Sound 800 Bridge Improvement Program. This program will replace or rehabilitate 800 of MoDOT's structurally deficient bridges. At the September 7, 2006, event, Governor Blunt commended MoDOT for rapidly improving the transportation system in Missouri and for using innovative approaches to address the state's transportation problems.

Workshop on Planning Tools – Director Rahn expressed appreciation to the Commission for attending the informational workshop on September 12, 2006, wherein the MoDOT staff reviewed Missouri's highway and bridge needs. He stated that resources made available as a result of voter approval of Amendment 3 in 2004 had allowed MoDOT to address many, but not all, critical needs. He projected that in year 2010 and beyond, resources to fund expansion projects would be few given the constant need to maintain the existing highway system. He concurred with Commissioner Anderson's assessment that heightening the awareness of Missouri citizens about the need for additional dollars will be a challenge given the extensive amount of roadwork currently being performed.

Delivery of Smooth Roads Initiative – MoDOT is working diligently to complete the Smooth Roads Initiative by December 31, 2006. To date approximately 800 miles of the 2,200-mile program have been completed.

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-- PUBLIC PRESENTATIONS --

PUBLIC PRESENTATION – FORT LEONARD WOOD REGIONAL COUNCIL AND GROWTH ASSOCIATION

Ms. Elizabeth Bax, Rolla Regional Economic Commission, thanked the Commission and MoDOT for recent roadway improvements in the Rolla/Phelps County region, including the resurfacing, ramps, and interchange improvements on Interstate Route 44 and the upgrade of

Route 63 from Vichy to Rolla, which will provide access to the Vichy National Airport. She stated that additional improvements to Route 63 would result in a good north-south corridor through Missouri.

Ms. Bax told the Commission that MoDOT's District 9 office is currently reviewing a local area plan for an extension of Route 72 and a fifth Rolla interchange. The local area is investigating funding options. She said this project would make available 400 acres in the Rolla community for commercial growth.

Mr. Chris Herd, Assistant City Administrator, City of St. Robert, thanked the Commission for its approval of the Enhancement Program, which includes \$500,000 for projects in Phelps, Pulaski, and Laclede Counties. He also expressed appreciation for improvements to Missouri Avenue and resurfacing on Route 66 and Route Z.

Mr. Herd reported that Route Y south of Missouri Avenue is narrow and crooked; it carries 25 to 30 thousand vehicles per day and has a history of numerous accidents. Mr. Herd reported that the local area is working closely with the MoDOT District 9 office in an effort to widen the driving surface and construct paved shoulders on this route. He asked the Commission to favorably consider such an improvement.

Mr. Bruce Harrill, City Administrator, City of Waynesville, expressed appreciation to the Commission for the \$150,000 aviation grant and the \$1 million grant from the Federal Aviation Administration Military Airport Program.

Mr. Ben Jones, representing the City of Lebanon and Laclede County, thanked MoDOT for the cost share project and enhancement project, which will allow the City of Lebanon and Laclede County to upgrade three miles of Elm Street, which is part of Historic Route 66, from two to five lanes, construct new sidewalks, and install lighting. He also expressed appreciation

for improvements to the airport at Lebanon.

Mr. Jones voiced concern regarding the planned improvement of Route 5 from Lebanon to Camdenton, which will result in traffic transitioning from five lanes to four lanes and then back to five lanes, which he felt could create an unsafe condition. He suggested that the improvement from Lebanon to Camdenton be constructed as a five-lane facility throughout the entire length of the project.

Commissioner Michie commended the local area for its foresight in upgrading its airports to enhance the economic development potential of the region. He cautioned the group that the high volume of road and bridge improvements being accomplished currently would be seriously curtailed in 2010, when revenues available through the bonding program are exhausted. He expressed concern that without additional funding, improvements that would add value to Missouri's communities will not be forthcoming.

The Chairman and other Commissioners commended the members of the delegation for their leadership in bringing about regional cohesiveness. The Commissioners further thanked the delegation for its support of economic development and transportation improvements.

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PUBLIC PRESENTATION – PUBLIC TRANSIT SYSTEM AND ALTERNATIVE FUELS RESEARCH, FORT LEONARD WOOD REGION

Dr. William Ankner, Director, Missouri Transportation Institute (MTI), reported that MTI has developed a partnership with Fort Leonard Wood, the Meramec Regional Planning Commission (MRPC), the University of Missouri-Rolla (UMR), and MoDOT to investigate and implement a public transit system between Rolla and Fort Leonard Wood and between Lebanon and Fort Leonard Wood.

Angie Rolufs, Assistant Director, Missouri Transportation Institute (MTI), reported that the proposed public transportation project would include an evaluation of alternative fuels. Ms. Rolufs said the project would reduce environmental impacts, provide commuting alternatives, support military personnel and their families, improve access to local businesses, and reduce traffic on Route I-44. Cash incentives to federal employees who participate in public transportation programs will help to make the program financially viable.

Ms. Rolufs explained that the next step would be to award the contract for service and identify service areas. The future goal is to expand the service areas and utilize the transit system as a test bed for alternative fuels, such as hydrogen. The hydrogen center will be located at UMR. Ms. Rolufs anticipated the public transit system would be operational by Fall 2006 and expanded by Fall 2007. She anticipated being able to demonstrate the success of alternative fuels by Fall 2008.

The Commission thanked Dr. Ankner and Ms. Rolufs for the presentation.

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--POLICIES/ADMINISTRATIVE RULES--

DELEGATION OF AUTHORITY FOR APPROVAL AND EXECUTION OF DOCUMENTS, AMENDMENTS

Via approval of the consent agenda, the Commission unanimously approved amendments to its June 14, 2006, Delegation of Authority for Approval and Execution of Documents, as summarized below:

- Paragraph A7 – Authorizes staff designated in paragraph A3 of the June 14, 2006, policy to approve and execute agreements with other state agencies and offices in an amount not to exceed \$100,000. (The existing paragraph A7 will be renumbered A8.)

- Paragraph C1 – Clarifies that the staff designated in paragraph A3 of the June 14, 2006, policy can delegate its authority below \$200,000 to other staff members.
- Paragraph G10 – Allows the Director of Multimodal Operations to execute uncontested Administrative Orders for rail/highway safety projects.
- Paragraph G12 – Authorizes the staff designated in paragraph A3 of the June 14, 2006, the State Traffic Engineer, or the respective District Engineer to execute agreements where the manufacture, installation, and maintenance of signs are paid by the applicant (college signing, state park signing, city/county accomplishment plaques, etc.). It also covers signs installed and maintained by others on state right-of-way where MoDOT does not provide the signs or do any of the work (DARE community signs, neighborhood watch, etc).

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ADMINISTRATIVE RULE, 7 CSR 10-1.010, DESCRIPTION, ORGANIZATION, AND INFORMATION

On behalf of the Director, Micki Knudsen, Human Resources Director, presented a proposed amendment to Title 7, Code of State Regulations 10-1.010, Description, Organization, and Information, which will amend the mission statement, job titles, and job responsibilities to reflect changes in MoDOT's organizational structure. The order of rulemaking also updates the address for the District 4 office and the e-mail address for sending electronic inquiries to MoDOT.

Via approval of the consent agenda, the Commission unanimously authorized the Secretary to the Commission to file the proposed amended rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State for publication in the *Missouri Register*. The Commission further authorized the Director, Chief Engineer, or Chief Financial Officer to execute any document appropriate to initiate the rulemaking process.

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- - - STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM - - -

CONSIDERATION OF BIDS ON FEDERAL-AID AND STATE PROJECTS

On behalf of the Director, Dave Nichols, Director of Program Delivery, presented the following recommendations pertaining to bids received by MoDOT on August 25, 2006.

Award of Contracts, August 25, 2006, Bid Opening

Mr. Nichols stated that bids for road and bridge improvement projects had been received on August 25, 2006, and he recommended awards be made to the lowest responsive and responsible bidders noted in Table I below. He further recommended the bid of Advance Environmental Services, Inc., be declared non-responsive on Call No. X02 because the bid contained omissions and the bid on Ahrens Contracting, Inc., on Call X02 be declared non-responsive because the bid exceeded the maximum monetary amount.

**Table I
Award of Contracts
August 25, 2006, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
101	36	Buchanan/ DeKalb	J1P0975	\$309,872.80	\$144.00	Municipal Construction, Inc.	Microsurface Westbound Lanes
301	61/B	Lincoln/ Montgomery	J3P0750	\$213,810.77	\$0.00	APAC-Missouri, Inc.	Bridge – Rehabilitation in Two Disconnected Sections
302	36	Marion/ Ralls	J3P0411B	\$17,454,758.14	\$732.70	Progressive Contractors Incorporated	Grading, Alternate Bid (PCC or Superpave)
			J3P0412B		\$1,276.85		Grading, Alternate Bid (PCC or Superpave) and Bridges – Concrete Girder
501	50	Osage	J5P0879	\$114,913.19	\$0.00	Dogwood Contracting, Inc.	Grading & Drainage for Wetland Development
602	270	St. Louis	J6I1950	\$425,989.80	\$1,312.00	Gaines Construction, Inc.	Grading and Optional Paving for Superelevation Adjustments
603	180	St. Louis	J6S1926	\$2,028,655.00	\$472,795.73	Gerstner Electric Inc.	Traffic Signal Interconnect
605	366	St. Louis	J6S1931	\$1,071,211.00	\$103,081.00	Gerstner Electric Inc.	Traffic Signal Interconnect
606	Various	St. Charles/ St. Louis/ St. Louis City	J6I1935	\$901,371.00	\$79,400.00	Gerstner Electric Inc.	Traffic Signal Interconnect
607	AB	St. Louis	J6S1930	\$265,761.00	\$10,300.00	Gerstner	Traffic Signal Interconnect

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
	100	St. Louis	J6S1932		\$9,675.00	Electric Inc.	Signal Interconnect System Installation
801	Bus 65	Greene	J8P0848	\$467,409.76	\$1,312.00	Leo Journagan Construction Co., Inc.	Coldmill and Resurface with Superpave and Fog Seal Shoulders
802	76	Taney	J8S0719*	\$1,334,411.77	\$1,168.00	APAC-Missouri, Inc.	Optional Paving, Resurfacing with Superpave, and Traffic Signals for Intersection Improvements
803	13	Polk	J8P0592C	\$255,975.00	\$0.00	Hartman and Company, Inc.	Bore Steel Casing for Future Gravity Sewer Line
901	Various	Carter/ Crawford/ Dent/ Howell/ Iron/ Oregon	J9I0595	\$532,263.95	\$0.00	Collins & Hermann, Inc.	On-Call Guardrail and Guard Cable Repair
902	60	Carter	J9M0066	\$193,248.00	\$0.00	R. L. Persons Construction, Inc.	Median Opening and Entrance
X01	72	Bollinger/ Madison	J0P0847	\$14,224,615.70	\$656.00	Iron Mountain Trap Rock Co./DBA Iron Mountain Construction Service	Grading, Drainage, Resurfacing, Alternate Bid (PCC or BP-1), Optional Shoulders and Bridge
	72	Madison	J0P0851		\$984.00		Grading, Drainage, Resurfacing, and Optional Shoulders
X02	67/34	Cape Girardeau/ Madison	J0P0954	\$748,883.50	\$0.00	MKG Construction, Inc.	Demolition of Structures and Asbestos Removal
X03	55	Cape Girardeau	J0I0949	\$480,248.20	\$0.00	Robertson Contractors, Inc.	Slide Repair and Erosion Control
X04	67	Butler	J0P0951	\$796,035.00	\$0.00	Missouri Petroleum Products Company, LLC	Alternate Bid Undersealing Asphalt Cement or High Density Polyurethane
				\$41,819,433.58	\$682,837.28		

*\$350,000 Funding by City of Branson

Rejection of Bids, August 25, 2006, Bid Opening

Mr. Nichols recommended that Call No. 608, as noted in Table II below, be rejected because it was considered excessive.

Table II
Rejection of Bids
August 25, 2006

Call No.	Route	County	Project No.	Description
608	Various	Franklin/ St. Charles/ St. Louis	J6M0112	Class B Partial Dept Pavement Repair

Commission Consideration and Action

After consideration and upon motion by Commissioner Michie, seconded by Commissioner Gach, the Commission took the following actions:

1. Declared the bids of Advance Environmental Services, Inc., and Ahrens Contracting, Inc., on Call X02 to be non-responsive.
2. Awarded contracts to the lowest responsive and responsible bidders for bids received on August 25, 2006, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation. Commissioner Kehoe abstained from voting on Call No. 607.
3. Rejected all bids on Call No. 608, as noted in Table II above, because they were considered excessive.

In keeping with the Commission's Delegation of Authority to Execute Documents, the Director, Chief Engineer, Chief Financial Officer, or the Director of Program Delivery may execute the contracts awarded above.

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ROADWAY LOCATION AND/OR DESIGN APPROVAL

On behalf of the Director, District Engineers informed the Commission that preliminary plans and exhibits for the following projects were advertised for and/or presented at a public hearing.

Route 169 at Route A, Buchanan County Job No. J1P0852 Hearing Held July 25, 2006

This proposed improvement includes adding signals, a left-turn lane, and intersection realignment to address the increased traffic from the new retail development southeast of the Route 169/A intersection. This project will have controlled access right-of-way. Traffic will be maintained on existing Route 169 and Route A during construction with reductions on one-lane, two-way operations. This project is 0.3 mile in length.

Mr. Don Wichern, District 1 Engineer, recommended approval of the design of the project as presented at the public hearing.

Route YY, Buchanan County

Job No. J1U0572

Hearing Held July 18, 2006

This proposed improvement will replace the existing bridge deck for the bridge on Route YY over I-29. A 5-foot wide sidewalk will be added to the north side of the bridge. This project will have controlled access right-of-way. Route YY will be closed to traffic at the bridge during construction with detours provided over adjacent state routes. This project is 0.2 mile in length.

Mr. Don Wichern, District 1 Engineer, recommended approval of the design as presented at the public hearing.

Route 6, Daviess County

From 0.4 Miles East of Route 13 to 0.2 Miles West of Route V

Job No. J1P0760

Hearings Held November 1, 2001, and July 6, 2006

This proposed improvement includes replacing bridges and pavement on new alignment south of the existing roadway. The project includes two 12-foot wide lanes and 8-foot shoulders. This project will have normal access right-of-way. Traffic will be maintained on the existing roadway during construction using temporary bypasses at side roads. This project is 2.6 miles in length.

Mr. Don Wichern, District 1 Engineer, recommended approval of the design as presented at the 2006 public hearing, including construction of the improvements on new alignment with 8-foot shoulders.

Route F, Jackson County

I-70 to 10th Street

Job No. J4S1060

Hearing Held June 22, 2006

The proposed improvements will widen Route F to five 12-foot lanes with curb and gutter from I-70 to 10th Street, widen the I-70 eastbound and westbound off-ramps to add right-turn lanes, intersection improvements at the South Outer Road and Salem Street, and upgrade the signals at the intersection of Route F and 12th Street. This project will have partial controlled access right-of-way. Traffic will be maintained on the existing roadway during construction using short-term lane closures to entrances and side streets. This project is 0.7 mile in length.

Ms. Beth Wright, District 4 Engineer, recommended approval of the design as presented at the public hearing.

Route I-470, Jackson County
At the MO 350/US 50 Interchange in Lee's Summit
Job Nos. J4I1641B and J4I1641C
Hearing Held July 18, 2006

The proposed improvement provides for construction of a split-diamond interchange in two phases at the existing I-470/MO 350/US 50 Interchange. The improvement at Pryor Road will be the first phase and Blue Parkway the second phase. This project will have fully controlled access right-of-way. During construction, Pryor Road will be closed and local traffic will use a signed detour over Noland Road. This project is 2.9 miles in length.

Ms. Beth Wright, District 4 Engineer, recommended approval of the location and design as presented at the public hearing.

Route I-44, Franklin County
At the Viaduct Street Interchange in Pacific
Job No. J6I0735D
Hearing Held July 26, 2006

The proposed improvement includes relocating the eastbound I-44 exit and entrance ramps approximately one-half mile west of Viaduct Street and widening I-44 Business Loop (Osage Street) from three to five lanes (four 11-foot through lanes, one 12-foot center left-turn lane) from Payne Street to Hoven Drive. Right-of-way will be controlled on the I-44 ramps and will be normal on the I-44 Business Loop (Osage Street). Route I-44 and Osage Street will remain open at all times, but will be staged through the construction zone. This project is 1.0 mile in length.

Mr. Ed Hassinger, District 6 Engineer, recommended approval of the design of the proposed improvement as presented at the public hearing.

Route 18, Bates County
From east Lexington Avenue to Kentucky Avenue in Adrian
Job No. J7S0807
Hearing Held June 29, 2006

This proposed improvement provides two 12-foot through lanes, areas for angle parking on both sides of the road, curb and gutter, and sidewalks. This project will have normal access right-of-way. Route 18 will be closed during construction. Traffic will be detoured over city streets and county roads. This project is 0.2 mile in length.

Ms. Becky Baltz, District 7 Engineer, recommended approval of the design as presented at the public hearing.

**Route 67, St. Francois County
0.9 Mile South of Route 47 and K Interchange at Bonne Terre
Job Nos. J0P0591H & J0P0591K
Hearing Held June 8, 2006**

The proposed improvements include an interchange and outer roads at Route 67 and Old Orchard Road. The right-of-way for this project will be partial controlled access. Traffic will be maintained over the existing roadway, new outer road, and ramps during construction. This project will be 1.2 miles in length.

Mr. Mark Shelton, District 10 Engineer, recommended approval of the location and design of the proposed improvements as presented at the public hearing.

After full consideration of the favorable and adverse economic, social, and environmental effects of the recommended designs, the Commission via approval of the Consent Agenda, unanimously found and determined the recommended locations and designs would best serve the interest of the public and approved the recommendations. Commissioner Gach abstained from voting on the design of Job No. J1P0852, Route 169 at Route A, Buchanan County.

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RATIFICATION AND APPROVAL OF RIGHT OF WAY PLANS FOR CONDEMNATION

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended the Commission ratify the Chief Engineer's approval of the following right-of-way plans, which have been filed for condemnation.

<u>County</u>	<u>Route</u>	<u>Job Number</u>	<u>Date Commission Approved Design</u>
Adair	63	J2P0747	January 11, 2006 (1 st Amended)
Macon	36	J2P0482	January 11, 2006 (2 nd Amended)
Shelby	36	J3P0409C	January 11, 2006
Marion	36	J3P0410	January 11, 2006
St. Charles	40/61	J6P0672C	April 12, 2006 (1 st Amended)
Franklin	185	J6S1850	May 11, 2005 (1 st Amended)
St. Louis Co.			
St. Louis City	I-64	J6I0978	October 14, 2005 (2 nd Amended)

In accordance with Section 227.050 RSMo 2000, as amended, the Commission, via approval of the Consent Agenda, approved the right-of-way plans for the above-noted projects and directed they be filed as necessary for the condemnation of right-of-way.

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STATE TRANSPORTATION ASSISTANCE REVOLVING (STAR) FUND LOAN, CITY OF NEVADA

On behalf of the Director, Brian Weiler, Multimodal Operations Director, and Kirk Boyer, Resource Management Director, recalled that on December 5, 2003, the Commission approved a \$250,000 State Transportation Assistance Revolving (STAR) Fund loan to the City of Nevada to construct an ADA accessible terminal building and additional hangars at the city's Municipal Airport. The city has now requested a change in the scope of the loan to fund the ADA accessible terminal building (\$100,000) and rehabilitate the municipal airport runway

(\$150,000 to be used as matching funds for a \$3.5 million FAA runway rehabilitation project grant). The change in scope does not change the amount of the original loan request.

Via approval of the consent agenda, the Commission unanimously approved the change in scope for the STAR fund loan to the City of Nevada, as described above. The Commission further authorized the Director, Chief Engineer, Chief Financial Officer, or Multimodal Operations Director to execute the related loan documents, subject to approval as to form by the Chief Counsel's Office.

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TRANSPORTATION ENHANCEMENT PROGRAM

On behalf of the Director, Kirk Boyer, Resource Management Director, recommended the Commission approve \$31.5 million in federal transportation enhancement funds for the 2006-2007 projects specifically identified in a tabulation. The projects were selected and prioritized by regional selection committees and Transportation Management Areas (TMAs). The amount represents 80 percent of the total project costs. MoDOT transportation partners will provide the remaining 20 percent (minimum) match.

Via approval of the consent agenda, the Commission unanimously approved the 2006-2007 Transportation Enhancement Program projects.

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- - - BUSINESS ISSUES - - -

**MISSOURI DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2008
APPROPRIATIONS REQUEST**

On behalf of the Director, Roberta Broeker, Chief Financial Officer, presented the Missouri Department of Transportation Fiscal Year 2008 appropriations request in the amount of \$2,570,630,000 in projected revenue and \$2,293,418,000 in expenditures.

Ms. Broeker reported that revenue, with the exception of anticipated bond sales, remains flat. She estimated a \$47 million increase in state funds, most of which is due to increased Amendment 3 funds. She anticipated a 5 percent (\$49 million) increase in federal funds due to the provisions of the federal transportation legislation.

Ms. Broeker noted that projected expenditures had been decreased from the prior year in anticipation of returning to traditional funding following the completion of bond sales. The greatest decrease in expenditures is in the construction area. Ms. Broeker noted a slight decrease in personal services, no increase or decrease in expense and equipment, and slight increase in fringe benefits. In keeping with legislative budget request instruction from the Office of Administration, the proposed budget request does not include any adjustment for cost-of-living increases; should the legislature approve such increases, the request will be adjusted accordingly.

Ms. Broeker noted that increases for items in the Multimodal area have been included in the proposed budget request; however, this funding is dependent on legislative appropriation of General Revenue.

Ms. Broeker presented a trend line that reflects a downward turn in the funding available to MoDOT for the transportation program.

Director Rahn noted that the percentage of the budget allocated to debt would increase in upcoming years for two reasons: (1) the total amount of repayments to bond holders will increase and (2) the overall program will decrease. He said, however, that the approximately \$240 million anticipated debt repayments should not be an area of undue concern. He explained that MoDOT had committed \$75 million toward repayment of bonds issued in 2000. He noted that the additional payment of \$165 million, for repayment of bonds issued as a result of a 2004 Constitutional Amendment establishing a State Road Bond Fund (Amendment 3), is equivalent to the projection of revenue to be derived from the State Road Bond Fund. He assured the Commission that the amount of borrowing had been sized to revenues available through the State Road Bond Fund, as anticipated by the Constitutional amendment.

Commissioner Michie suggested that the line items on the budget reflect the income from the State Road Bond Fund in comparison to the bond repayments.

Mr. Rahn said the Commission can expect to see the budget reflect a return to traditional funding for highways and bridges, as a result of having issued as many bonds as can be supported by the State Road Bond Fund. He said while the condition of the roads and bridges will be better as a result of the increased program resulting from the State Road Bond Fund, once the maximum amount of bonds have been issued and absent any additional funds to keep the roads in good condition, Missouri's roads will again return to poor condition.

After explanation and discussion, and upon motion by Commissioner Michie, seconded by Commissioner Gach, the Commission unanimously approved the Missouri Department of Transportation Fiscal Year 2008 Appropriations Request, as noted in the table below, and authorized the staff to release the request to the Office of Administration – Division of Budget and Planning. Chairman McKenna asked Director Rahn to relay the explanation on the bond

repayments to the Senate and House Appropriations Committees during MoDOT's presentation of the budget to those bodies.

Missouri Department of Transportation
Fiscal Year 2008 Appropriations Request
(Dollars in Thousands)

	FY 2008 Appropriations Request
REVENUES	
State Revenue	\$1,262,261
Federal Reimbursement	908,369
Bond Proceeds	<u>\$400,000</u>
Total Revenues	\$2,570,630
EXPENDITURES	
Administration (Operations) ¹	\$50,690
Maintenance (Operations) ¹	\$412,231
Motor Carrier:	
Operations ¹	\$7,956
Refunds	<u>\$30,800</u>
Total Motor Carriers	\$38,756
Motorist Assistance (Operations) ¹	\$3,530
Highway Safety:	
Operations ¹	\$3,263
Programs	<u>\$21,569</u>
Total Highway Safety	\$24,832
Construction:	
Operations ¹	\$160,826
Contractor Payments	\$1,010,762
Design and Bridge Consultant Payments	\$30,000
Accelerated Program (Reimbursements)	\$14,094
Right of Way land Acquisitions	\$65,000
Federal Pass-Through	<u>\$105,540</u>
Total Construction	\$1,386,222
Fleet, Facilities & Information Systems	
Operations ¹	\$112,457
Multimodal:	
Operations ¹	\$3,721
Programs	<u>\$74,059</u>
Total Multimodal	\$77,780
Debt Service on Bonds	<u>\$186,920</u>
Total MoDOT Expenditures	\$2,293,418
Other Expenditures	
Other State Agencies	\$199,791
Miscellaneous Refunds	<u>\$12,205</u>
Total for MoDOT and Other Agencies	\$2,505,414
Excess (Deficiency) of Net Income Over Expenditures ²	\$65,216

¹Operations consists of Personal Service, Fringe Benefits and Expense & Equipment.

²Cash balances from the prior years will offset any deficiencies.

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SAFE AND SOUND BRIDGE IMPROVEMENT PROGRAM, AUTHORITY TO USE DESIGN-BUILD CONCEPT

On behalf of the Director, Kevin Keith, Chief Engineer, recommended that the Commission authorize the staff to pursue the Safe and Sound Bridge Improvement Program as the state's third design-build project.

Mr. Keith explained that Missouri has over 10,000 bridges with nearly 1,046 of them being structurally deficient. He noted that available funding had allowed little progress to be made on lowering the percentage of bridges in poor and serious condition. As a result, he proposed that MoDOT seek help from the private sector to improve 800 of its most structurally deficient bridges to *good* condition. The concept of the *Safe and Sound Bridge Improvement Program* is to treat the 800 bridge improvements as a single project. The feasibility and success of the program will be dependent upon the ability, innovation, and expertise of the private sector to submit viable proposals. The successful proposer or proposing team would handle all the design, construction, and public information related to the improvement, and then maintain the bridges for a minimum of 25 years. MoDOT would make equal annual payments to the contractor over a minimum 25-year period.

Mr. Keith explained that the major bridges over the Missouri River or Mississippi River and those with anticipated high cost of repair due to environmental or other issues would not be included in this program.

Mr. Keith reported that, if authorized by the Commission, the staff would issue a draft request for proposal by October 2, 2006, to outline the concept of this program for the industry. Shortly afterward the staff will issue requests for qualifications in order to determine industry interest in the project. Should two or more qualified teams be forthcoming, the staff would move forward with the design-build process with a staff recommendation on team selection anticipated

by May 2007, thereby allowing the bridges to be upgraded to good condition by 2012. Specific projects will be identified when proposals are sought from the design-build teams. Mr. Keith emphasized that the staff has no assurance that this program will be viable; however, he felt that the possibility of a positive outcome was worth the cost involved in pursuing the concept.

Commissioner Anderson commended the staff for the innovative approach used to accomplish bridge improvements. He clarified that the Commission action being sought by staff was approval to explore the concept outlined above and not final approval of the project. He inquired about the applicability of the planning framework process as it pertains to the proposed bridge improvements.

Director Rahn stated that MoDOT has a good relationship with the regional planning commissions and metropolitan planning organizations, which are MoDOT's partners in the planning framework process. He said he was committed to continuing this cooperative effort. He noted that the planning partners and the public have made known their desire for MoDOT to take care of its existing system, including its bridges. He explained that while any one of the bridges on the proposed program is not critical, the number of bridges involved results in the highway *system* being in critical condition.

Mr. Rahn said while sub-allocated funds, enhancement dollars, and funds allocated to expansion projects provide great opportunities for project selection through the planning framework process, the dollars allocated to maintenance of the existing system (which would be used for the proposed bridge improvement program) do not lend themselves as well to a negotiated choice of projects. He explained that the process used to determine bridges that are structurally deficient involves a systematic approach and is data driven, in a like manner as that used to determine the Smooth Roads Initiative projects, thereby ensuring the best value for every

dollar spent in that funding allocation category.

Mr. Rahn emphasized, however, that using the data driven process in no way diminishes MoDOT's commitment to work with its planning partners and involve them in the proposed bridge improvement program to the greatest extent possible. He said, however, it would ultimately be the condition of the bridge that would determine whether it is included in the program. The bridges that will be included in the program will be *structurally* deficient as opposed to those that are *functionally* deficient, such as bridges that are too narrow; therefore, the reason for the selection of a particular bridge will not, in many cases, be readily apparent to the traveling public.

The Commissioners expressed concurrence with Director Rahn's comments and also expressed strong support for the planning framework process.

After discussion, and upon motion by Commissioner Anderson, seconded by Commissioner Michie, the Commission unanimously:

- Approved the Safe and Sound Bridge Improvement Program as the third design-build project.
- Authorized the Chief Engineer or his designee to approve and execute documents and expend funds on behalf of the Missouri Highways and Transportation Commission for the following items on the Safe and Sound Bridge Improvement Program.
 - **Right-of-Way Plans for Condemnation** - Certify right-of-way plans for condemnation.
 - **Administrative Settlements** - Make right-of-way administrative settlements.
 - **Escrow Bid Documents** - Execute agreements, affidavits, and related documents and expend funds for costs associated with the escrow of bid documents.
 - **Intergovernmental Agreements** - Execute agreements with local governments, including other entities for cost-share, enhancements, use of property, environmental mitigations, etc.
 - **Construction Change Orders** – Approve and execute construction change orders.
 - **Excess Property** – Execute documents to dispose of excess property owned in fee simple title, consistent with statutory requirements.

- Authorized the Director, Chief Engineer, or Chief Financial Officer to approve and execute the appropriate documents to procure a team subject to approval as to form by the Chief Counsel's office.

The Commission further directed the Director, Chief Engineer, and staff to (1) continue to educate MoDOT's planning partners in the Safe and Sound Bridge Improvement Program process, particularly in regard to the data driven aspects of the condition and safety of the bridges in this program and (2) continue to keep the planning partners up-to-date as the project progresses.

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MOTOR CARRIER SERVICES UPDATE

On behalf of the Director, Jan Skouby, Motor Carrier Services Director, recalled that in 2004, the Commission approved \$15.7 million to implement a web-based business system for commercial motor carriers. As a result of federal grants, MoDOT was able to save 32 percent of that amount.

Ms. Skouby reported that the new cutting edge e-business system is operational with 90 percent of the system installed and being used by motor carriers. The new 24-hour computer system allows Missouri commercial motor carriers to complete motor vehicle registration information and receive overdimension and overweight permits in a fraction of the time previously required. She reported that the new system was both reducing operating expenses for the motor carriers and increasing revenue for MoDOT.

Ms. Skouby noted that MoDOT was the recipient of a Computerworld Honors Laureate Medal for implementing an information technology tool that significantly benefits society.

She also reported that in response to the motor carrier industry, the MoDOT Motor Carriers Division expanded its workday and is open for business on most state holidays.

Steven Whipkey and Kevin Rose from Contractor Freighters, Inc. (CFI), Joplin, Missouri, told the Commission that the new process is easy to use, and it eliminated paperwork, decreased the workload from days to just a few hours, and resulted in cost savings and fewer mistakes. CFI oversees 2,500 trucks and 10,000 units.

Patty Hicks, representing Prime, Inc., Springfield, Missouri, told the Commission that her company has a 2,800-tractor fleet and adds approximately 60 units per month. She emphasized that the trucking industry operates 24 hours a day, 365 days a year; therefore, the new electronic system allows them to continue their work, regardless of the time or day. She noted that the new system allows her company to purchase a truck on one day, meet all the registration requirements electronically, and have the truck operating on next day. Ms. Hicks commended MoDOT's Motor Carriers Division staff members for seeking input from the motor carriers and for their sincere desire to develop an electronic system to provide optimum benefit to the motor carrier companies.

Ron Breau, Motor Carriers Association, thanked the Commission for the new system. He praised the MoDOT staff members for their outreach efforts in providing training to motor carriers in an effort to ensure successful implementation of the electronic system.

Mr. Rahn thanked Ms. Skouby and her staff for their continual dedication to customer service.

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MISSOURI'S BLUEPRINT FOR SAFER ROADWAYS

On behalf of the Director, Leanna Depue, Highway Safety Director, shared with the Commission the status of safety belt use in Missouri.

Over the last six years Missouri has lost over 7,000 individuals in traffic accidents. In 2005, 1,257 individuals died in traffic crashes, which is the highest number of fatalities since 1978. The latest safety belt survey, which was conducted by MoDOT in June 2006, looked at 117,000 individual vehicles at 460 different sites. Ms. Depue expressed disappointment that the survey found that safety belt usage had not increased.

Statistics show that seat belt usage saves lives and injuries. Over the last three years, 68 percent of those killed in traffic crashes were not wearing safety belts; 78 percent of the teens killed during the same period were not wearing safety belts. The overall data in Missouri shows that 75 percent of travelers use their safety belts most of the time, 20 percent are situational users, and five to seven percent do not wear safety belts now and will not wear them even with primary enforcement.

Ms. Depue reported that of Missouri's 500 traffic offenses, safety belt usage is the only one limited to secondary enforcement. She emphasized that Missouri needs to amend the current safety belt law to a primary law. She said enactment of a primary law would increase safety belt usage by 11 to 15 percent. In addition, MoDOT would receive a one-time \$16.2 million incentive grant from the National Traffic Highway Safety Administration to enhance safety on Missouri roadways.

Ms. Depue said enactment of primary seat belt legislation would result in \$103 million in Medicaid savings over a period of ten years and result in significant savings to employers.

MoDOT's goal is to have 1,000 fewer fatalities by the year 2008. Ms. Depue stated that MoDOT views all roadway improvements from a safety standpoint. Roadway safety measures include rumble strips, signage, stripping, and guard cable.

To increase citizen awareness of the need to enact primary seat belt legislation, MoDOT will be holding rallies throughout the state culminating in a summit to be held in November 2006 to develop strategies that will lead to passage of primary seat belt legislation in 2007.

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STATE LEGISLATIVE INITIATIVES - 2007

On behalf of the Director, Jay Wunderlich, Governmental Relations Director, discussed each of the following proposed legislative initiatives and recommended the staff be authorized to pursue these issues with members of the General Assembly during its 2007 session.

Safety - Primary Safety Belt Law – This proposal would change Missouri's secondary safety belt law to a primary safety belt law allowing law enforcement officers to stop drivers for failing to wear their safety belts. Currently, a driver may only be ticketed for failing to wear a safety belt if stopped for another traffic violation.

Economic Development - Multimodal Financing – This proposal would dedicate General Revenue as a funding source for multimodal capital improvements and authorize MHTC to issue State Multimodal Capital Improvement Bonds.

Efficiency

- a. **Unified Carrier Registration System** – This proposal would authorize implementation of a new interstate registration program, known as the Unified Carrier Registration System Program. This program would replace the current Single State Registration and modify the registration requirements for the interstate exempt registration program, thereby mirroring recent federal law.
- b. **Voiding Outdoor Advertising Permits** – This proposal would give MoDOT authority to void outdoor advertising permits under certain circumstances allowing MoDOT to be in compliance with federal requirements for effective outdoor advertising control.

- c. **Highway Safety Name Change** – This proposal is cleanup language related to the transfer of statutory powers, duties, and functions of the Division of Highway Safety from the Department of Public Safety to MHTC.

After discussion and upon motion by Commissioner Michie, seconded by Commissioner Anderson, the Commission unanimously adopted the above 2007 legislative agenda.

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**BREAK IN ACCESS,
ROUTE 19, MONTGOMERY COUNTY**

On behalf of the Director, Kirk Juranas, District 3 Engineer, recommended approval of a request from the City of New Florence, to break limited access for the purpose of constructing a 40-foot wide city street located at the westerly right-of-way line opposite Station 141+75 on Route 19, Montgomery County. The proposed entrances are non-arterial streets constructed to accommodate an ambulance facility and will not provide traffic relief to the state highway system; therefore, in accordance with the February 13, 1997, Commission policy, "Changes in Access on Limited Access Roadways," specific Commission action is needed to proceed.

Because the entrances will provide access to a not-for-profit ambulance facility, Mr. Juranas recommended approval of the city's request for a waiver of compensation for the break in access.

Via approval of the consent agenda, the Commission unanimously approved the request of the City of New Florence for the break in access described above and waiver of compensation.

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- - - WRITTEN REPORTS - - -

The Commission received the following written reports.

FINANCIAL REPORT, FISCAL YEAR 2007

Deborah Rickard, Controller, presented the Financial Report for the fiscal year to date ended July 31, 2006, with budget and prior year comparisons.

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FISCAL YEAR 2006, INFORMATION SYSTEMS DIVISION

Mike Miller, Information Systems Director provided a Fiscal Year 2006 budget report for the Division of Information Systems. Of the total \$35,502,736 budget, actual expenditures total \$27,133,600, leaving a balance of \$8,369,136. The report pertained to commodities and services only and did not include employee development and salary-related expenditures.

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FISCAL YEAR 2006 BUDGET, GENERAL SERVICES DIVISION

Dave DeWitt, Deputy Administrative Officer, presented the following reports:

Capital Improvement Program – The capital improvement budget for Fiscal Year 2006 totaled \$12,703,500; actual expenditures totaled \$11,997,110.

Equipment Replacements – The budget for equipment replacements for Fiscal Year 2006 totaled \$24,630,352; expenditures totaled \$16,765,872.

Routinely Bid Goods and Services Contracts Over \$200,000 – A tabulation of contracts with an estimated value over \$200,000 that had been executed during the January 1, 2006,-June 30, 2006, time period was submitted to the Commission.

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By unanimous consensus of all members present, the meeting of the Commission adjourned.

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